



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

March 10, 2022

By ECF

Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 11D
New York, N.Y. 10007

Re: SEC v. Gallagher, 21-cv-8739 (PKC)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission respectfully submits this letter in response to Defendant Steven M. Gallagher's pre-motion letter dated March 4, 2022 (Dkt. 29) requesting permission to file a motion to dismiss the Complaint.

Without conceding that any of Defendant's arguments would support dismissal of the Complaint, the SEC does seek to amend the Complaint to address the issues raised in Defendant's letter and thereby minimize or eliminate the need for further briefing on these issues. Pursuant to Fed. R. Civ. P. 15(a)(1)(b), the SEC may "amend its pleading once as a matter of course," given that the Defendant has not yet filed his answer or a motion to dismiss the Complaint.

The SEC proposes filing its Amended Complaint by March 24, 2022, two weeks from today. Defendant has consented to this schedule. Accordingly, the SEC respectfully requests that the Court grant its request to file an Amended Complaint on or by March 24, 2022.

Respectfully submitted,

/s/ Kevin P. McGrath
Kevin P. McGrath
Senior Trial Counsel
Securities and Exchange Commission

Cc. Eric Rosen, Esq.